

## Federal Acquisition Regulation

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AUTHORITY: 40 U.S.C. 486(c); 10 U.S.C. Chapter 137; and 42 U.S.C. 2473(c).

SOURCE: 48 FR 42275, Sept. 19, 1983, unless otherwise noted.

#### 23.000 Scope of part.

This part prescribes acquisition policies and procedures supporting the Government's program for ensuring a drug-free workplace and for protecting and improving the quality of the environment through pollution control, energy conservation, identification of

hazardous material, and use of recovered materials.

[54 FR 4968, Jan. 31, 1989]

### Subpart 23.1—Pollution Control and Clean Air and Water

#### 23.101 Applicability.

This subpart does not apply to contracts at or below the simplified acquisition threshold or to the use of facilities outside the United States. (*United States*, as used in this subpart, includes the States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.)

[48 FR 42275, Sept. 19, 1983, as amended at 60 FR 34758, July 3, 1995]

#### 23.102 Authorities.

(a) Clean Air Act (42 U.S.C. 7401 *et seq.*).

(b) Clean Water Act (33 U.S.C. 1251 *et seq.*).

(c) Executive Order 11738, September 10, 1973 (38 FR 25161, September 12, 1973).

(d) Environmental Protection Agency (EPA) regulations (40 CFR part 32).

[48 FR 42275, Sept. 19, 1983, as amended at 62 FR 236, Jan. 2, 1997]

#### 23.103 Policy.

(a) It is the Government's policy to improve environmental quality. Accordingly, executive agencies shall conduct their acquisition activities in a manner that will result in effective enforcement of the Clean Air Act (the *Air Act*) and the Clean Water Act (the *Water Act*).

(b) Except as provided in 23.104, executive agencies shall not enter into, renew, or extend contracts with firms proposing to use facilities listed by EPA (40 CFR part 15) as violating facilities under the Air Act or the Water Act.

#### 23.104 Exemptions.

(a) Except as provided in paragraphs (b) and (c) of this section, contracts and subcontracts are not subject to the restriction in 23.103(b) if they are (1) \$100,000 or under; (2) for indefinite